UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DIGEO, INC C/O STOEL RIVES LLP
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY, UT 84111

EXAMINER
KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/877,696	ISTVAN ET AL.
	Examiner	Art Unit	
	Andrew Y. Koenig	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 June 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,2,11,13-20,35-37 and 40-43</u> is/are pending in the application.

    4a) Of the above claim(s) <u>40-43</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,2,11,13-20,35-37</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 06 June 2007 have been fully considered but they are

not persuasive.

The applicant argues that the applicant's are not attempting to claim the ability to

run a calendar application, rather the ability to include a synthetic channel in an EPG,

which allows a user to access an event calendar application by selecting a

corresponding channel number. As such, nothing in Jerding suggests that the a user

may access an event calendar application from the EPG itself, much less by selecting a

particular channel number, and thereby teaches away from the claimed method. The

examiner disagrees, since the claims do not recite scope argued by the applicant and

the combinations with Jerding still meet the limitations. Whereas, it is recognized that

the applicant is claiming a different method for accessing synthetic channels, LaJoie

(already of record) recognizes accessing synthetic channels, which can include home

shopping, still image library service, online databases, WWW browsing, e-mail, etc (col.

16, ll. 24-28). One of ordinary skill would readily recognize that other services such as

calendar applications (as taught by Jerding) could be included within the services.

Moreover using a different interpretation based on the language of the claims, claim 1

merely recites, "assigning a synthetic channel to correspond to an interactive content

element available as interactive programming content via the interactive television

system, the interactive content element comprising an event calendar applications..."

Since the strict relationship of directly selecting an event calendar from an EPG

channel, the claims could reasonably interpret the channel 1 of EPG corresponding to

the interactive element of a service guide of Jerding as the synthetic channel to

correspond to an interactive content element available as interactive programming

content via the interactive television system, wherein the interactive content element

(Service Guide) comprises an event calendar application among other services (pg. 8,

para. 0061-0062).

Election/Restrictions

2.   Newly submitted claims 40-43 are directed to an invention that is independent or

distinct from the invention originally claimed for the following reasons:

       Independent claims 40 and 42 positively recite limitations captured in the

alternative of cancelled claims 21 and 27, which are directed to an alternative type of

channel (e.g. system channels for administration) rather than the constructively elect

functional and content channels.

       Since applicant has received an action on the merits for the originally presented

invention, this invention has been constructively elected by original presentation for

prosecution on the merits. Accordingly, claims 40-43 are withdrawn from consideration

as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP §

821.03.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 2, 11, 13-15, 17-20, and 35-37 are rejected under 35 U.S.C. 103(a) as

being unpatentable over U.S. Patent 5,850,218 to LaJoie et al. (LaJoie) in view of U.S.

Patent Application Publication 2002/0157098 to Zustak et al. (Zustak) and U.S. Patent

Application Publication 2005/0044577 to Jerding et al. (Jerding).

        Regarding claim 1, LaJoie teaches a channel look-up table (fig. 5), which shows

the channel table (101) and service table (111). LaJoie teaches the channel table for

accessing content such as interactive contact of home shopping service, image library

service, an online database service, a World Wide Web (WWW) browsing service, an e-

mail service by selecting channel 16 (col. 16, ll.10-28), which equates to accessing

interactive content as part of an interactive television system, and assigning a synthetic

channel (channel 16 of the channel table) to at least one interactive content element

(such as discussed above) via the interactive television system. LaJoie teaches the

user selecting the channel, which is then used to reference the service table, which

reads on communicating the interactive programming content including the interactive

content element and the corresponding synthetic channel to the viewer. Further, LaJoie

teaches providing selecting of the synthetic channel by user selection via a user

actuateable device (keypad, remote control) (col. 14-15, ll. 60-9, fig. 3, labels. 59, 60).

Further, LaJoie teaches descriptive information can be displayed in an interactive

program guide (col. 16, ll. 45-51).   However, LaJoie is silent on communicating the

interactive content elements via an electronic program guide (EPG) and providing

selection of the content elements via from an EPG.

In analogous art, Zustak teaches an electronic program guide (see fig. 6), which

shows channels along with virtual channels (106) that can access Web sites on the ITV

device or on a Web Server (pg. 4, para. 0046-0047).   Accordingly, Zustak teaches

providing content elements (such as web sites) and providing selection of the web sites

(pg. 1, para. 0009, pg. 4, para. 0046-0047). Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify LaJoie by

showing and selecting virtual channels in an EPG for the selection of content elements

as taught by Zustak in order to facilitate the user to browse programming along with

additional services thereby enabling the user to access information easily.

LaJoie and Zustak are silent on the use of an event calendar. Jerding teaches

the use of a calendar application (pg. 3, para. 0027), which equates to an event

calendar. Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify LaJoie by incorporating a calendar as taught by

Jerding in order to enable the user to easily determine the date thereby providing the

user with plural selectable options and easily accessing information.

Regarding claim 2, LaJoie teaches a remote having a plurality of numbered

actuatable buttons (col. 15-16, ll. 57-9).

Regarding claim 11, LaJoie teaches a channel look-up table (fig. 5), which shows the channel table (101) and service table (111). LaJoie teaches the channel table for accessing content such as interactive contact of home shopping service, image library service, an online database service, a World Wide Web (WWW) browsing service, an e-mail service by selecting channel 16 (col. 16, II.10-28), which equates to accessing broadcast channels and interactive content as part of an interactive television system, and assigning a synthetic channel (channel 16 of the channel table) to at least one interactive content element (such as discussed above) via the interactive television system. LaJoie teaches receiving user selections of channels, which is then used to reference the service table, which reads on communicating the interactive programming content including correlating the synthetic channel to the interactive content element. LaJoie teaches providing selecting of the synthetic channel by user selection via a user actuateable device (keypad, remote control) (col. 14-15, II. 60-9, fig. 3, labels. 59, 60), wherein the retrieved selected content element is a service such as web browsing, wherein the information is retrieved from a remote location (col. 17-18, II. 30-10). LaJoie teaches displaying the information from the set top terminal on a television (col. 14, II. 46-57). LaJoie teaches descriptive information can be displayed in an interactive program guide (col. 16, II. 45-51). However, LaJoie is silent on communicating the interactive content elements via an electronic program guide (EPG) and providing selection of the content elements via from an EPG.

In analogous art, Zustak teaches an electronic program guide (see fig. 6), which shows channels along with virtual channels (106) that can access Web sites on the ITV

device or on a Web Server (pg. 4, para. 0046-0047). Accordingly, Zustak teaches

providing content elements (such as web sites) and providing selection of the web sites

(pg. 1, para. 0009, pg. 4, para. 0046-0047). Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify LaJoie by

showing and selecting virtual channels in an EPG for the selection of content elements

as taught by Zustak in order to facilitate the user to browse programming along with

additional services thereby enabling the user to access information easily.

LaJoie and Zustak are silent on the use of an event calendar. Jerding teaches

the use of a calendar application (pg. 3, para. 0027), which equates to an event

calendar. Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify LaJoie by incorporating a calendar as taught by

Jerding in order to enable the user to easily determine the date thereby providing the

user with plural selectable options and easily accessing information.

Regarding claim 13, the combination of LaJoie and Zustak teaches selecting a

synthetic channel directly from the EPG (Zustak: pg. 4, para. 0044,0047, pg. 5, 0053).

Regarding claim 14, LaJoie teaches a table for correlating the interactive content

elements to channels (see fig. 5), wherein the table is inherently accomplished by an

application at the client device, which is resident in memory (32) and controlled by the

CPU (30), see fig. 3, which reads on correlating accomplished via a controller executing

a computer implemented application.

Regarding claim 15, LaJoie teaches the use of database services at the headend

(see fig. 1) (col. 10, II. 20-29), which by definition would have a database. Upon

initiating the browsing service, LaJoie teaches establishing a browsing session with the headend, and requesting a service which resides at the headend, which would clearly include at least an uplink signal to the headend (claimed broadcast center), comprising a request for a service (claimed interactive element) via the transmitter (col. 14, II. 40-45), and receiving the information (col. 14, II. 1-30, col. 17-18, II. 30-10).

Regarding claim 17, LaJoie teaches receiving information, but is silent on the headend broadcasting using a carousel technique. Jerding teaches the use of a carousel for continually broadcasting information to users (pg. 4-5, para. 0039). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie by using the carousel broadcasting as taught by Jerding in order to continually broadcast information and providing current information.

Regarding claim 18, LaJoie teaches supporting the display device as a television (col. 14, II. 46-57), but is silent on a television per se. Zustak teaches a television (fig. 1, label 22), pg. 2, para. 0026-0027. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie by displaying information on a television as taught by Zustak in order to display information using a known output device thereby providing a consistent display of information across different televisions while using a well known display device.

Regarding claim 19, LaJoie teaches e-mail service (col. 16, II. 24-28), which inherently reads on an interactive content element comprising a computer implemented user application in order to provide the e-mail information to the user.

Regarding claim 20, LaJoie teaches World Wide Web (WWW) browsing service (col. 16, ll. 24-28), which refers to web-pages maintained at the headend, which equates to a server at the remote location (col. 17-18, ll. 58-10).

Regarding claim 35, LaJoie teaches application servers (fig. 1, label 15) for providing an interactive program guide (IPG) (col. 10, ll. 20-41), which clearly is implemented on a computer readable medium containing instructions for transmitting a guide to a client. LaJoie teaches a channel look-up table (fig. 5), which shows the channel table (101) and service table (111). LaJoie teaches the channel table for accessing content such as interactive contact of home shopping service, image library service, an online database service, a World Wide Web (WWW) browsing service, an e-mail service by selecting channel 16 (col. 16, ll.10-28), which equates to accessing interactive content as part of an interactive television system, and assigning a synthetic channel (channel 16 of the channel table) to at least one interactive content element (such as discussed above) via the interactive television system. Consequently, LaJoie teaches the claimed channel field (fig. 5, label 101) listing the available cable channels and available synthetic channels and content fields including a current programming schedule for each available cable channel and interactive content element corresponding to each available synthetic channel. Upon initiating the browsing service, LaJoie teaches establishing a browsing session with the headend, and requesting a service which resides at the headend, which would clearly include receiving an uplink signal at the headend, comprising a request for a service, retrieving the information from a server (col. 17-18, ll. 30-10), which inherently has a memory of some form in order to

provide the requested information, and transmitting the interactive content element to the user. LaJoie teaches showing the cable channels in an electronic program guide (fig. 16 and 17). However, LaJoie is silent on showing synthetic channels via an electronic program guide (EPG).

In analogous art, Zustak teaches an electronic program guide (see fig. 6), which shows channels along with virtual channels (106) that can access Web sites on the ITV device or on a Web Server (pg. 4, para. 0046-0047). Accordingly, Zustak teaches showing synthetic channels via an electronic program guide (EPG) by providing web sites and providing selection of the web sites (pg. 1, para. 0009, pg. 4, para. 0046-0047). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie by showing virtual channels in an EPG for the selection of synthetic channels as taught by Zustak in order to facilitate the user to browse programming along with additional services thereby enabling the user to access information easily.

LaJoie and Zustak are silent on the use of an event calendar. Jerding teaches the use of a calendar application (pg. 3, para. 0027), which equates to an event calendar. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie by incorporating a calendar as taught by Jerding in order to enable the user to easily determine the date thereby providing the user with plural selectable options and easily accessing information.

Regarding claim 36, LaJoie teaches the use of a web browser application, which reads on the interactive content element comprising a computer implemented user application (col. 17-18, ll. 30-10).

Regarding claim 37, LaJoie teaches World Wide Web (WWW) browsing service (col. 16, ll. 24-28), which refers to web-pages maintained at the headend, which equates to a network storage location (col. 17-18, ll. 58-10).

5.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,850,218 to LaJoie et al. (LaJoie), U.S. Patent Application Publication 2002/0157098 to Zustak et al. (Zustak), and U.S. Patent Application Publication 2005/0044577 to Jerding et al. (Jerding) in view of U.S. Patent 6,526,577 to Knudson et al. (Knudson).

Regarding claim 16, LaJoie is silent on the uplink and downlink signals comprising communications encoded in a data over cable service interface specification (DOCSIS) protocol. In analogous art, Knudson teaches bidirectional communication using a DOCSIS compliant cable modem (col. 5, ll. 40-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie by using a cable modem as taught by Knudson in order to benefit from using the same communication channel while supporting a known bi-directional protocol.

6.   Claims 1, 2, 11, 13-15, 17-20, and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,850,218 to LaJoie et al. (LaJoie) in view of U.S.

Patent 6,684,399 to Grooters and U.S. Patent Application Publication 2005/0044577 to

Jerding et al. (Jerding).

Regarding claim 1, LaJoie teaches a channel look-up table (fig. 5), which shows

the channel table (101) and service table (111). LaJoie teaches the channel table for

accessing content such as interactive contact of home shopping service, image library

service, an online database service, a World Wide Web (WWW) browsing service, an e-

mail service by selecting channel 16 (col. 16, ll.10-28), which equates to accessing

interactive content as part of an interactive television system, and assigning a synthetic

channel (channel 16 of the channel table) to at least one interactive content element

(such as discussed above) via the interactive television system. LaJoie teaches the

user selecting the channel, which is then used to reference the service table, which

reads on communicating the interactive programming content including the interactive

content element and the corresponding synthetic channel to the viewer. Further, LaJoie

teaches providing selecting of the synthetic channel by user selection via a user

actuateable device (keypad, remote control) (col. 14-15, ll. 60-9, fig. 3, labels. 59, 60).

Further, LaJoie teaches descriptive information can be displayed in an interactive

program guide (col. 16, ll. 45-51). However, LaJoie is silent on communicating the

interactive content elements via an electronic program guide (EPG) and providing

selection of the content elements via from an EPG.

In analogous art, Grooters teaches an electronic program guide (see fig. 4),

which shows channels along with virtual channels (fig. 4, labels 901-903) that can

access Web sites on the ITV device or on a Web Server (col. 6-7, II. 54-19, col. 7, II. 38-46). Accordingly, Grooters teaches providing content elements and providing selection of the web sites (col. 7. II. 38-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie by showing and selecting virtual channels in an EPG for the selection of content elements as taught by Grooters in order to facilitate the user to browse programming along with additional services thereby enabling the user to access information easily.

LaJoie and Grooters are silent on the use of an event calendar. Jerding teaches the use of a calendar application (pg. 3, para. 0027), which equates to an event calendar. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie by incorporating a calendar as taught by Jerding in order to enable the user to easily determine the date thereby providing the user with plural selectable options and easily accessing information.

Regarding claim 2, LaJoie teaches a remote having a plurality of numbered actuatable buttons (col. 15-16, II. 57-9).

Regarding claim 11, LaJoie teaches a channel look-up table (fig. 5), which shows the channel table (101) and service table (111). LaJoie teaches the channel table for accessing content such as interactive contact of home shopping service, image library service, an online database service, a World Wide Web (WWW) browsing service, an e-mail service by selecting channel 16 (col. 16, II.10-28), which equates to accessing broadcast channels and interactive content as part of an interactive television system, and assigning a synthetic channel (channel 16 of the channel table) to at least one

interactive content element (such as discussed above) via the interactive television

system. LaJoie teaches receiving user selections of channels, which is then used to

reference the service table, which reads on communicating the interactive programming

content including correlating the synthetic channel to the interactive content element.

LaJoie teaches providing selecting of the synthetic channel by user selection via a user

actuateable device (keypad, remote control) (col. 14-15, ll. 60-9, fig. 3, labels. 59, 60),

wherein the retrieved selected content element is a service such as web browsing,

wherein the information is retrieved from a remote location (col. 17-18, ll. 30-10).

LaJoie teaches displaying the information from the set top terminal on a television (col.

14, ll. 46-57). LaJoie teaches descriptive information can be displayed in an interactive

program guide (col. 16, ll. 45-51). However, LaJoie is silent on communicating the

interactive content elements via an electronic program guide (EPG) and providing

selection of the content elements via from an EPG.

In analogous art, Grooters teaches an electronic program guide (see fig. 4),

which shows channels along with virtual channels (fig. 4, labels 901-903) that can

access Web sites on the ITV device or on a Web Server (col. 6-7, ll. 54-19, col. 7, ll. 38-

41). Accordingly, Grooters teaches providing content elements and providing selection

of the web sites (col. 7, ll. 38-41). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify LaJoie by showing

and selecting virtual channels in an EPG for the selection of content elements as taught

by Grooters in order to facilitate the user to browse programming along with additional

services thereby enabling the user to access information easily.

LaJoie and Grooters are silent on the use of an event calendar. Jerding teaches the use of a calendar application (pg. 3, para. 0027), which equates to an event calendar. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie by incorporating a calendar as taught by Jerding in order to enable the user to easily determine the date thereby providing the user with plural selectable options and easily accessing information.

Regarding claim 13, the combination of LaJoie and Grooters teaches selecting a synthetic channel directly from the EPG (Grooters: fig. 4, labels 901-903, col. 7, ll. 43-46).

Regarding claim 14, LaJoie teaches a table for correlating the interactive content elements to channels (see fig. 5), wherein the table is inherently accomplished by an application at the client device, which is resident in memory (32) and controlled by the CPU (30), see fig. 3, which reads on correlating accomplished via a controller executing a computer implemented application.

Regarding claim 15, LaJoie teaches the use of database services at the headend (see fig. 1) (col. 10, ll. 20-29), which by definition would have a database. Upon initiating the browsing service, LaJoie teaches establishing a browsing session with the headend, and requesting a service which resides at the headend, which would clearly include at least an uplink signal to the headend (claimed broadcast center), comprising a request for a service (claimed interactive element) via the transmitter (col. 14, ll. 40-45), and receiving the information (col. 14, ll. 1-30, col. 17-18, ll. 30-10).

Regarding claim 17, LaJoie teaches receiving information, but is silent on the headend broadcasting using a carousel technique. Jerding teaches the use of a carousel for continually broadcasting information to users (pg. 4-5, para. 0039). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie by using the carousel broadcasting as taught by Jerding in order to continually broadcast information and providing current information.

Regarding claim 18, LaJoie teaches supporting the display device as a television (col. 14, ll. 46-57), but is silent on a television per se. Grooters teaches a television (col. 3, ll. 60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie by displaying information on a television as taught by Grooters in order to display information using a known output device thereby providing a consistent display of information across different televisions while using a well known display device.

Regarding claim 19, LaJoie teaches e-mail service (col. 16, ll. 24-28), which inherently reads on an interactive content element comprising a computer implemented user application in order to provide the e-mail information to the user.

Regarding claim 20, LaJoie teaches World Wide Web (WWW) browsing service (col. 16, ll. 24-28), which refers to web-pages maintained at the headend, which equates to a server at the remote location (col. 17-18, ll. 58-10).

Regarding claim 35, LaJoie teaches application servers (fig. 1, label 15) for providing an interactive program guide (IPG) (col. 10, ll. 20-41), which clearly is implemented on a computer readable medium containing instructions for transmitting a

guide to a client. LaJoie teaches a channel look-up table (fig. 5), which shows the

channel table (101) and service table (111). LaJoie teaches the channel table for

accessing content such as interactive contact of home shopping service, image library

service, an online database service, a World Wide Web (WWW) browsing service, an e-

mail service by selecting channel 16 (col. 16, ll.10-28), which equates to accessing

interactive content as part of an interactive television system, and assigning a synthetic

channel (channel 16 of the channel table) to at least one interactive content element

(such as discussed above) via the interactive television system. Consequently, LaJoie

teaches the claimed channel field (fig. 5, label 101) listing the available cable channels

and available synthetic channels and content fields including a current programming

schedule for each available cable channel and interactive content element

corresponding to each available synthetic channel. Upon initiating the browsing service,

LaJoie teaches establishing a browsing session with the headend, and requesting a

service which resides at the headend, which would clearly include receiving an uplink

signal at the headend, comprising a request for a service, retrieving the information from

a server (col. 17-18, ll. 30-10), which inherently has a memory of some form in order to

provide the requested information, and transmitting the interactive content element to

the user. LaJoie teaches showing the cable channels in an electronic program guide

(fig. 16 and 17). However, LaJoie is silent on showing synthetic channels via an

electronic program guide (EPG).

    In analogous art, Grooters teaches an electronic program guide (see fig. 4),

which shows channels along with virtual channels (fig. 4, labels 901-903) that can

access Web sites on the ITV device or on a Web Server (col. 6-7, ll. 54-19, col. 7, ll. 38-41). Accordingly, Grooters teaches providing content elements and providing selection of the web sites (col. 7, ll. 38-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie by showing and selecting virtual channels in an EPG for the selection of content elements as taught by Grooters in order to facilitate the user to browse programming along with additional services thereby enabling the user to access information easily.

LaJoie and Grooters are silent on the use of an event calendar. Jerding teaches the use of a calendar application (pg. 3, para. 0027), which equates to an event calendar. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie by incorporating a calendar as taught by Jerding in order to enable the user to easily determine the date thereby providing the user with plural selectable options and easily accessing information.

Regarding claim 36, LaJoie teaches the use of a web browser application, which reads on the interactive content element comprising a computer implemented user application (col. 17-18, ll. 30-10).

Regarding claim 37, LaJoie teaches World Wide Web (WWW) browsing service (col. 16, ll. 24-28), which refers to web-pages maintained at the headend, which equates to a network storage location (col. 17-18, ll. 58-10).

7.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,850,218 to LaJoie et al. (LaJoie), U.S. Patent 6,684,399 to Grooters, and U.S.

Patent Application Publication 2005/0044577 to Jerding et al. (Jerding) in view of U.S.

Patent 6,526,577 to Knudson et al. (Knudson).

Regarding claim 16, LaJoie is silent on the uplink and downlink signals

comprising communications encoded in a data over cable service interface specification

(DOCSIS) protocol. In analogous art, Knudson teaches bidirectional communication

using a DOCSIS compliant cable modem (col. 5, II. 40-56). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

modify LaJoie by using a cable modem as taught by Knudson in order to benefit from

using the same communication channel while supporting a known bi-directional

protocol.

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

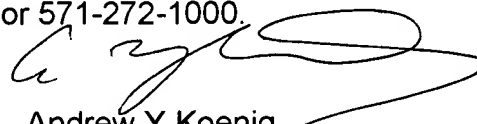extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Fr (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Y Koenig
Primary Examiner
Art Unit 2623

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